

FILED
U.S. DISTRICT COURT
NORTHERN DISTRICT OF TX
FT. WORTH DIVISION

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

2005 OCT 11 PM 1:43

CLERK'S OFFICE

FLEXIBLE INNOVATIONS, LTD.,

§

Plaintiff,

§

v.

§

CIVIL ACTION NO.
4-05-CV-021-A

AMERICAN COVERS, INC. d/b/a
HANDSTANDS,

§

Defendant.

§

PLAINTIFF/APPELLANT'S NOTICE OF APPEAL

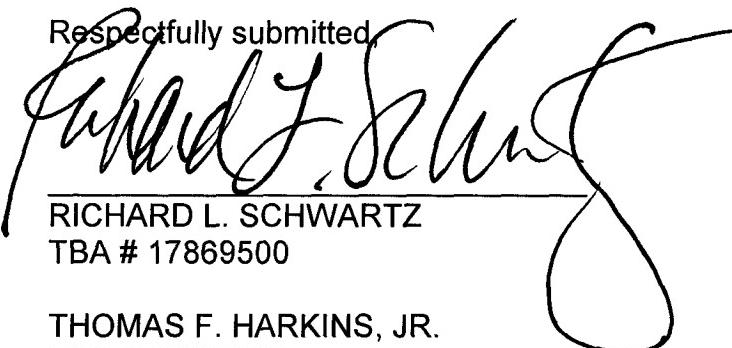
TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW FLEXIBLE INNOVATIONS, LTD., Plaintiff, and files its **NOTICE OF APPEAL** in this case in accordance with Rules 3(c) & 4(a)(1)(A), Federal Rules of Appellate Procedure, and any other applicable rules, as follows:

1. This appeal is being taken by **FLEXIBLE INNOVATIONS, LTD.** ("Flexible"), the Plaintiff and Appellant.
2. This appeal is being taken from the Order and Final Judgment ("Judgment") of The Honorable John McBryde, United States District Judge, as signed and filed on August 17, 2005, and the Order ("Order") by Judge McBryde, as signed and filed on September 15, 2005, in this case. Flexible timely moved to alter or amend the Judgment within less than ten (10) days from the signing and entry of the Judgment. The Trial Court's Order denied the motion to alter or amend the Judgment. This Notice of Appeal is being filed within thirty (30) days from the Order.

3. Appeal is being taken to the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,



RICHARD L. SCHWARTZ
TBA # 17869500

THOMAS F. HARKINS, JR.
TBA # 09000990

WHITAKER, CHALK, SWINDLE & SAWYER, L.L.P.
301 Commerce Street, Suite 3500
Fort Worth, Texas 76133-4168
Phone: (817) 878-0500
Fax: (817) 878-0501

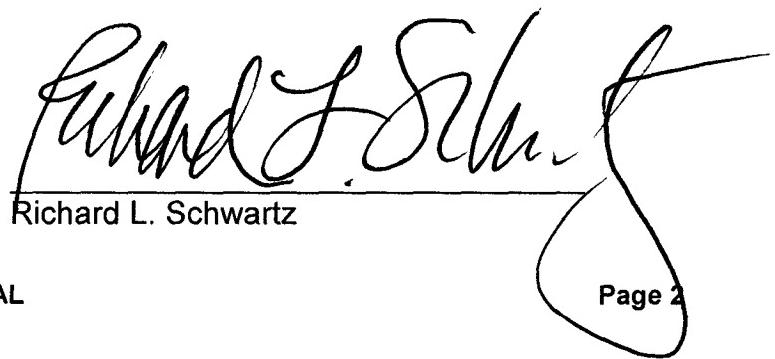
**ATTORNEYS FOR PLAINTIFF/APPELLANT
FLEXIBLE INNOVATIONS, LTD.**

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of October, 2005, I served a copy of this instrument by First Class United States Mail, postage prepaid, on Counsel for Defendant:

Stephen C. Maxwell
Maxwell & Knowles, PC
100 East 15th St., Ste. 120
Fort Worth, TX 76102

Peter M. de Jonge
Nathan S. Winesett
THORPE NORTH & WESTERN LLP
P.O. Box 1219
Sandy, Utah 84091-1219



Richard L. Schwartz